

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -SEPTEMBER 5, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 10:30 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-428) Proclamation expressing thanks to Contra Costa Newspapers and Its Employees, Gary Kidwell and Michael Switzer.

Mayor Johnson read and presented the proclamation to Mr. Kidwell and Mr. Switzer.

Councilmember Matarrese moved approval of the Proclamation.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson stated the news racks have made a huge difference in the business districts.

Ed Clark, West Alameda Business Association (WABA), stated former Councilmember Karin Lucas raised the issue years ago; the City has attractive newspaper racks thanks to everyone's efforts.

(06-429) Proclamation declaring September 17, 2006 as Alameda Legacy Home Tour Day in the City of Alameda.

Mayor Johnson read and presented the proclamation to Judith Lynch, Historical Advisory Board (HAB) Member, and Richard Knight, HAB Member.

Councilmember deHaan noted the home tours have been held for at least 32 years.

(06-430) Presentation by West Alameda Business Association regarding the Peanut Butter and Jam festival.

Ed Clark, WABA, stated the Peanut Butter and Jam Festival would be

the best ever; invited everyone to attend; stated WABA is losing Sheri Stieg as Executive Director; introduced the new Executive Director, Kathy Moehring; presented Council with jars of Skippy Peanut Butter.

Kathy Moehring, WABA Executive Director, stated that she would continue where Ms. Stieg left off; encouraged everyone to attend the Peanut Butter and Jam Festival and outlined the event.

Mayor Johnson requested Ms. Moehring to explain why the event is named the Peanut Butter and Jam Festival, to which Ms. Moehring responded Skippy Peanut Butter was invented on Webster Street.

Mr. Clark noted Skippy contributed over \$15,000 worth of free Peanut Butter.

Mayor Johnson congratulated Ms. Moehring; stated Ms. Stieg did a great job.

Councilmember deHaan suggested that Council present Ms. Stieg with a proclamation; stated Webster Street has a new vitality.

(06-431) Library project update.

The Project Manager provided a brief update.

#### CONSENT CALENDAR

Mayor Johnson announced that the Resolution Authorizing Open Market Purchase [paragraph no. 06-437], Resolution Authorizing Sale of Emergency Generators [paragraph no. 06-438], Resolution Amending Exhibit A - Compensation Plan [paragraph no. 06-439], and Public Hearing to consider Ordinance [paragraph no. 06-442] were removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*06-432) Minutes of the Special and Regular City Council Meetings held on August 15, 2006. Approved.

(\*06-433) Ratified bills in the amount of \$5,047,654.18.

(\*06-434) Recommendation to accept the Quarterly Sales Tax Report for the Period Ending March 31, 2006. Accepted.

(\*06-435) Recommendation to amend the Consultant Agreement with Consolidated Construction Management extending the term, scope of work and price for the Alameda Free Library, New Main Library Project, No. P.W. 01-03-01. Accepted.

(\*06-436) Recommendation to reject Bids for the Modular Recreational Building and Site Improvements at Washington Park. Accepted; and

(\*06-436A) Resolution No. 14006, "Authorizing Open Market Negotiation of Contract Pursuant to Section 3-15 of the Alameda City Charter for the Modular Recreational Building and Site Improvements at Washington Park, No. P.W. 05-06-17, and Authorizing the City Manager to Enter into Such an Agreement for \$650,000, Including a 10% Contingency." Adopted.

(06-437) Resolution No. 14007, "Authorizing Open Market Purchase of Twelve Vehicles from Good Chevrolet, Alameda in an Amount Not to Exceed \$251,230.00." Adopted.

Councilmember Matarrese stated the staff report indicates the alternate fuel vehicle policy was considered but alternate fuel vehicles are not recommended; inquired whether the use of mini pickups was analyzed; stated a mini pickup was used for a recent dedication ceremony and an electric flatbed could have been used.

The Public Works Director responded use is reviewed and discussed with departments; stated the Recreation and Parks Director indicated a flatbed could not have been used at the dedication ceremony based on bed size; the vehicles being replaced carry equipment, tools, parts and chemicals for pool maintenance, which could not be accommodated by the size of the electric flatbed; Public Works mini trucks travel outside of the City; the most reliable electric flatbeds on the market only travel 25 miles per hour, which would not work for travel out of Alameda.

Councilmember Matarrese requested that the level of detail provided by the Public Works Director be included in staff reports in the future; inquired whether diesel fuel was evaluated for the one ton dump trucks and three quarter ton pickup trucks.

The Public Works Director responded in the affirmative; stated diesel is more expensive, which is one reason diesel was not selected; that he is working on converting three existing vehicles

to biodiesel.

Councilmember Matarrese stated a use policy should be considered to separate whether use is determined based on necessity or the way things were always done.

Vice Mayor Gilmore complimented the Public Works Director for buying the vehicles in Alameda.

Mayor Johnson noted vehicles have not been purchase in Alameda for sometime.

Councilmember deHaan inquired whether staff is getting rid of excess [surplus] vehicles.

The Public Works Director responded eight vehicles have been recommended for surplus; stated the vehicles would be disposed of by the end of the fiscal year.

Councilmember Daysog inquired about the plans for the \$14,800 in savings; inquired whether there is a fund for alternative fuel vehicles.

The Public Works Director responded all vehicles are purchased from the same fund; stated five electric vehicles would be purchased by the end of the fiscal year; the savings return to the vehicle replacement fund.

The City Manager stated the purchase is the result of the new approach to manage vehicle replacement; savings remain in the fund along with vehicle sales revenue.

Councilmember Matarrese moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(06-438) Adoption of Resolution Authorizing and Approving Sale of Emergency Generators and Associated Electric Equipment to Cummins West, Inc. for \$832,000. **Not adopted.**

Hadi Monsef, Alameda, urged Council to reject the recommendation; stated \$1 million of public funds would be given away; the situation of the world could impact the supply of electricity to the City; the future is too unstable.

Mayor Johnson inquired whether potential generator uses could arise and whether the generators could be used in the event of a disaster

or if the City's power supply were cut off; further inquired whether the generators at the former Base make the generators [proposed for sale] unnecessary.

The Alameda Power and Telecom (AP&T) General Manager responded there is not a zero probability that the generators never would be used; stated combustion turbines near Alameda Point would serve all of the load assuming customers were not furiously using electricity; typically people are responsible during emergencies; parts of the system might be down in the event of a major emergency and the entire load would not be served.

Mayor Johnson inquired whether the generators would be helpful if power lines were down in an area.

The AP&T General Manager responded possibly; stated currently the generators are permitted as stationary; moving the generators is not a simple task; the system has to be tested; the process takes 96 to 100 hours assuming roads are passable.

Councilmember deHaan inquired whether the City's emergency response group has reviewed the asset to determine whether it is part of disaster preparation.

AP&T General Manager stated AP&T has a smaller unit, which is very portable and can be hooked into smaller service areas very easily.

The Disaster Preparation Officer stated any asset would be an adjunct to the infrastructure; however, the equipment is semi-permanently mounted; the two turbines [near Alameda Point] would provide 50-60% of normal demand; the Public Utilities Board's recommendation seems prudent; having something more mobile would be more appropriate; other types of equipment are more suitable for mobile generation.

Councilmember deHaan inquired whether the generators are included in the disaster relief plan.

The Disaster Preparation Officer responded in the negative; stated the combustion turbines would be used to provide back up power to the City in the event of a power disruption; mobile units would better serve specific areas of the City; the City would be better served with additional mobile units.

Mayor Johnson stated perhaps the generators could be sold and mobile units could be purchased.

Vice Mayor Gilmore stated the units were purchased in 2001 for \$1.8

million; inquired whether, including depreciation, the units are being sold for the amount they are worth.

The AP&T General Manager responded in the affirmative.

Vice Mayor Gilmore inquired what the money would be used for if the units were sold.

The AP&T General Manager responded the money would be used for other infrastructure needs; stated one capital project in mind is a second feeder to Coast Guard Island.

Councilmember Daysog inquired what would be the cost of a mobile unit, to which the Disaster Preparation Officer responded that he does not know the amount.

Councilmember Daysog inquired whether the units have a 10-year useful life period.

The AP&T General Manager responded the units have a 10 or 20 year life period; stated maintenance staff indicated the life of the generators is rapidly declining.

Councilmember Daysog stated the price is good if the life is 10-years; said information would be useful; the conversation should be from the vantage point of the objective that the City would achieve from selling the generators; more information is needed.

Mayor Johnson stated that she would like to know the impact on disaster preparedness and whether proceeds should be used to purchase mobile generators to make the City better prepared in the event of a disaster; that she concurs with Councilmember Daysog that more information is needed.

Councilmember Matarrese stated that he concurs with Councilmember Daysog about understanding the goal; homeland security money should be pursued for a second line to Coast Guard Island; the money from the sale should replace the original use; more information on the goal is needed.

The AP&T General Manager stated the units were purchased for rolling blackouts; AP&T's portfolio has been properly planned and the City should not be subject to rolling blackouts; the generators are quite cumbersome and would not be best for disaster response; there are costs for maintenance and fuel.

Councilmember deHaan inquired whether keeping the units in stand by mode costs \$30,000.

The AP&T General Manager responded the cost covers fuel and does not include labor and maintenance.

Councilmember deHaan inquired whether the total cost is closer to \$50,000, to which the AP&T General Manager responded the cost is around \$50,000 to \$60,000.

Councilmember deHaan stated the amount might be reasonable for disaster preparation; the generators have not been used very much; the viability of using the units has not been discussed; the matter should be researched further to better understand the asset.

Councilmember Daysog inquired whether the \$30,000 is spent only when the generators are operated, to which the AP&T General Manager responded the money is spent on testing.

The City Manager stated the matter would be brought back with additional information.

Councilmember deHaan stated the additional information should include more detail on whether the units could be made mobile, whether the City should look into alternative, smaller generators that are more mobile, and whether the units [proposed for sale] have a place in disaster preparation.

Councilmember Daysog stated that he would like information on the useful life and evaluation from an economic perspective.

The AP&T General Manager noted only line workers can move the generators.

Councilmember deHaan stated perhaps easier connection points could be set up in various spots throughout the City; the matter should be researched further.

(06-439) Resolution No. 14008, "Amending Exhibit A - Compensation Plan Established by Council Resolution 13545 and Amended by Resolutions 13626, 13689 and 13977 to Establish a Five-Day Workweek Alternative with a Corresponding Salary Range for the Classifications of Library Director and Recreation and Parks Director." Amended (including title) and adopted;

(06-439A) Resolution No. 13009, "Amending the Management and Confidential Employees Association (MCEA) Salary Schedule by Establishing Salary Ranges for the Classifications of Principle Executive Assistant, Purchasing and Payables Coordinator and Supervising Animal Control Officer." Adopted; and

(06-439B) Resolution No. 13010, "Amending the Alameda City Employees Association (ACEA) Salary Schedule by Establishing the Salary Range for the Classification of Transportation Coordinator." Adopted.

Councilmember deHaan requested that the Deputy City Manager discussion be addressed at the next Council meeting and the remainder of the resolutions be adopted tonight.

Councilmember deHaan moved adoption of the resolutions.

Councilmember Daysog seconded the motion.

Mayor Johnson clarified the motion is to adopt the resolutions, with the exclusion of the Deputy City Manager position.

On the call for the question, the motion carried by unanimous voice vote - 5.

(\*06-440) Resolution No. 14011, "Appointing Rebecca A. Kozak to the Bay Area Library Information System (BALIS) Advisory Board." Adopted.

(\*06-441) Ordinance No. 2951, "Approving and Authorizing the Lease of City-Owned Property at 3367 Fernside Boulevard to Arthur M. Jawad and Julia Jawad." Finally passed.

(06-442) Public Hearing to consider Ordinance Reclassifying and Rezoning Certain Property Within the City of Alameda from Open Space (O) to Community Manufacturing Planned Development (CM-PD) by Amending Zoning Ordinance No. 1277, N.S. for that Property Located at 500 Maitland Drive. Introduced.

Councilmember deHaan inquired whether the City owned the property and whether the property flipped over into the Harbor Bay development area when Maitland Drive was changed.

The Planner III responded in the affirmative; stated over an acre of City land on the other side of Maitland Drive moved to the southwest side when Maitland Drive was realigned; the City sold the land to Harbor Bay and amended the General Plan designation shortly after; provided the exhibit to the Ordinance.

Mayor Johnson stated the proceeds of the sale went into an open space fund.

Councilmember deHaan inquired what the new owner is proposing.

The Planner III stated the existing self-storage and RV storage facility is proposing expansion; most of the land is zoned Commercial Manufacturing Planned Development like the rest of the business park; however, the over one acre area was never rezoned; the Planning Board approved all entitlements and recommends approval of the rezoning.

Councilmember deHaan inquired what was the entire amount of the addition, to which the Planner III responded five acres.

Councilmember deHaan inquired whether the gun range used to be located on the site, to which the Planner III responded in the affirmative.

Councilmember deHaan inquired whether the site is clean.

The Planner III responded there was discussion of lead radiation; he could review the record.

Councilmember deHaan stated the area is a gateway; furthering the use of a storage yard does not improve eye appeal; he is concerned about contamination.

The Planner III stated paving over lead in the dirt would contain contamination.

Councilmember deHaan inquired whether the Planning Board addressed the matter; to which the Planner III responded the Planning Board did not discuss lead contamination, but did discuss the area as a gateway, landscaping requirements, adjacent landscaping and paths.

Councilmember deHaan inquired whether the property was transferred as open space with the assumption it would remain open space.

Mayor Johnson responded the assumption was not that the property would remain open space; the tradeoff was that a small, not very useful open space parcel would be exchanged for \$1 million that would be designated to buy open space or support more useable open space projects; the intent was always to allow commercial use.

Vice Mayor Gilmore stated some of the proceeds went towards the purchase of land adjacent to Towata Park.

Mayor Johnson stated the money was a proposed local match for an Estuary Park grant that the City did not receive; the City is now considering using the money to purchase the Beltline.

Councilmember Daysog stated that he voted against the matter because he voted against having an RV park on the West End and to be fair he did not want to support expansion of an RV park on Harbor Bay.

Mayor Johnson noted the original RV park was a requirement the City put on the developer.

The Planner III stated expansion was also part of the original requirement.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor Gilmore seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Gilmore and Matarrese and Mayor Johnson - 3. Noes: Councilmembers Daysog and deHaan - 2.

#### REGULAR AGENDA ITEMS

(06-443) Public Hearing to consider an Appeal of the Historical Advisory Board's denial of the alteration of more than thirty percent of the value of historically designated single-family homes at 1530, 1532, and 1532½ Ninth Street; and adoption of related resolution.

The Supervising Planner gave a brief presentation.

Councilmember Matarrese stated three duplexes are being created; inquired whether the square footage of the lot complies with Measure A, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired whether variances are not needed, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired whether some of the four outstanding issues outlined in the staff report have been resolved.

The Supervising Planner responded in the affirmative; stated trim replacement has been resolved; new windows would be needed for energy conservation.

Vice Mayor Gilmore inquired whether the hardboard siding issue has been resolved.

The Reconstruction Specialist II responded that she has been in extensive conversations with Chris Buckley and the Alameda Architectural Preservation Society (AAPS); stated an agreement has

been reached on three of the four items, with the exception of the walkway; there is also agreement on the items in the most recent letter AAPS submitted.

Vice Mayor Gilmore inquired whether the walkway is a Design Review item that is not within the purview of the Historical Advisory Board (HAB).

The Supervising Planner responded in the affirmative; stated the HAB's purview is alteration of historic structures.

Vice Mayor Gilmore inquired whether Design Review would be completed at the staff level, to which the Supervising Planner responded in the affirmative.

Mayor Johnson inquired what is the current square footage of each structure.

The Reconstruction Specialist II responded 1530 and 1532 Ninth Street are 1100 square feet and would be increased to 3106 square feet; 1532 ½ Ninth Street is 1066 and would be increased to 2632 square feet.

Councilmember Daysog requested an explanation of the "Golden Mean."

The Supervising Planner responded the Golden Mean was accepted by Council as part of the residential design guidelines and creates a proportion for Victorians with the upper level larger than the lower level; the upper level has to be 60%.

Councilmember deHaan inquired how long the Golden Mean has been in place, to which the Supervising Planner responded less than two years.

Councilmember deHaan inquired whether the site would be re-graded to comply with the Golden Mean, to which the Supervising Planner responded in the affirmative.

Councilmember deHaan inquired what would be the level of the walkways, to which the Supervising Planner responded the walkways would be level with the entry; retaining walls would be used.

Councilmember deHaan inquired whether soil would be higher [than the walkways], to which Supervising Planner responded in the affirmative.

Councilmember deHaan inquired whether the [grading] approach has been used before, to which the Supervising Planner responded in the

negative.

Councilmember deHaan questioned whether precedence would be set; inquired about the driveway width.

The Supervising Planner stated the driveway is eight feet.

Mayor Johnson opened the Public Hearing.

Proponents (In favor of appeal): Li-Sheng Fu, Architect.

Opponents (Opposed to appeal): Candace Fitzgerald, Alameda.

Neutral: Christopher Buckley, AAPS; Richard W. Rutter, AAPS; and Mark Irons, Historical Advisory Board (provided handout).

Mayor Johnson closed the public portion of the Hearing.

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(06-444) Following Mr. Buckley's comments, Councilmember Matarrese moved approval of continuing the meeting past 12:00 midnight.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

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Mayor Johnson stated the house reminds her of a house on Pacific Avenue; she would like more detail to make the buildings' appearance look like the original character of the house; the side views are not attractive; she is concerned with the size of the structures.

Councilmember deHaan stated the project provides the key to compromising the Golden Mean; further stated the project done with the City's help on San Jose Avenue is disproportionate with the rest of the community; in addition to the Golden Mean, the width of the driveway is of concern.

Mayor Johnson clarified although AAPS is not supporting the project, its position is not opposed.

Councilmember Matarrese stated the Golden Mean is a visual presentation based on aesthetics; achieving the Golden Mean by grading is a legitimate approach; squeezing in the number of units and parking spaces seems difficult; however, the project cannot be turned down if it meets the Code; the Code should be changed if Council does not like the way the Code works; that he would prefer the front path to go straight to the door; the project is not

simple and is massive.

Mayor Johnson stated Design Review is not being considered; that she agrees with the HAB that the alterations as proposed would adversely affect the historic significance of the dwellings; the compromises reached are not enough to maintain the historic character of the buildings; review of the historic nature should not be limited to the front.

Councilmember Matarrese stated that he would support sending the matter back to see if the HAB can work out a solution to meet the goal of maintaining the historic integrity as much as possible.

Councilmember Daysog stated a decision could be made on design issues that the HAB reviewed; the main issue is the Golden Mean; the Golden Mean is based on nature, such as trees and seashells; digging down might satisfy the ratio on paper, but he is worried and would like the HAB to review the matter further.

Mayor Johnson stated size is an issue and relates to historic character.

Vice Mayor Gilmore stated that she has concerns with size, massing, and the width of the driveway; however, the structures meet the zoning regulations; the zoning regulations need to be changed or an overlay needs to be added that applies to Victorians and historic structures if Council does not like the way the project looks; the project should not be penalized because Council does not like the way it looks; sides of Victorian structures tend to be plain; the structure is old and has not been cared for; someone is willing to "rehab" the structures; being strict on every project might keep people from attempting to fix historic structures; questioned whether allowing historic structures to decay is better; stated someone has to pay for the project; three of the four outstanding issues have been resolved; the walkway is not under the HAB's purview; that she supports overturning the HAB's decision and would provide direction to staff to negotiate with the architect and receive input from AAPS on the front walkway.

Mayor Johnson stated that the City has additional authority because demolition of a historic structure is being requested; the proposal is to almost triple the size of three adjacent structures; concurred with Councilmember Matarrese's suggestion to send the matter back to the HAB; stated relative size to the neighborhood should be considered.

Councilmember deHaan stated that he concurs with Mayor Johnson; the projects on Pacific and San Jose Avenues are disproportionate and

stretched the envelope; the project drops 18 inches to get into the lower level; there has to be another way; he is concerned with mass and the eight-foot driveway; the Fire Department should review the driveway.

Councilmember Matarrese requested staff to clarify whether the eight-foot driveway meets code.

The Supervising Planner stated the existing driveway can be retained; further stated the minimum code for driveways now is eight and a half feet.

Councilmember Matarrese stated relation to other houses in the neighborhood is a planning and design issue.

Mayor Johnson stated more work needs to be done; size is relevant to the historic character of the house; approving the demolition is an extraordinary act and historic preservation should be expected in return; the duplexes are going to be larger than some houses in Alameda; limiting the size and requesting more details would preserve the historic character.

Councilmember Matarrese moved that the matter be sent back to the HAB to review the impact of the expansion on the historic nature of the structures and review additional detail to bring the structures closer to original form.

Councilmember deHaan seconded the motion, with the caveat that one of the structures could be moved closer to the property line, which could change the opportunity of making the project work and change access points.

Under discussion, Vice Mayor Gilmore stated there are examples of remodels that have gone wrong; the project meets Code but no one likes the look; questioned when the Code would be changed; stated people trying to do projects should have a better idea about what is acceptable.

Councilmember Matarrese stated the big issue is the 30% [demolition] or else the project should go forward.

Councilmember deHaan noted the City should be vigilant; City funding is going into the project.

The Supervising Planner noted that the houses are covered in asbestos shingles and the detail would not be known until the shingles are removed; therefore, the drawing is devoid of some details; the shadow line would be found to determine trim detail.

Mayor Johnson stated that she did not notice a provision that requires restoration of trim detail.

The Supervising Planner stated a condition requires the project be completed to the satisfaction of the Planning and Building Director.

Mayor Johnson stated trim might help; hopefully something else can be done to the side of the buildings.

Councilmember Matarrese clarified the intent of the motion is to have the HAB come up with a solution and not send the matter back to Council; requested staff to convey that the HAB should work with the architect and owner to come up with a solution and address the issues of: mass relative to the historic proportions of the buildings and visual appearance from the street to ensure the buildings are rehabilitated to look like Victorians, not something else.

Mayor Johnson stated size is important to her; duplexes, with each unit bigger than many homes in Alameda, are not needed.

Ms. Fitzgerald noted the average house size on Mastic Court is 850 square feet.

Vice Mayor Gilmore inquired whether the Council would be pleased with something short of complete restoration if the matter were sent back to the HAB.

Mayor Johnson stated that she does not expect complete restoration and does not mind some increase in size.

Councilmember Matarrese stated that he wants something to work; the buildings are not attractive, are deteriorating and need to be upgraded in a timely manner; requested the matter be placed on the next HAB Meeting agenda.

Councilmember deHaan stated that he would like to see how the Golden Mean could be met without the grading option; all alternatives should be exercised; the grading option might work without handicap access.

The Planning and Building Director stated staff would work with the architect and AAPS; since the buildings are not on the historic list, the HAB review is only whether the building can be altered, not all the details of restoration.

Mayor Johnson stated the HAB has authority to make the finding that the project, as proposed, would adversely affect the historic significance of the dwelling; further stated there has to be a commitment that what is built maintains the historic significance as the tradeoff to allow demolition.

Councilmember deHaan stated the buildings were constructed in the 1800's; the property is important even though the buildings are not on the historic list.

Councilmember Matarrese stated the intention of the motion is to have the HAB look at alternative plans to address the issue of mass and the appearance from the front; that he does not want the direction construed as a restoration critique; the Council wants the project to appear that it belongs, people to know the buildings are Victorians by looking at the buildings, and does not want the buildings turned into something else; the HAB has to focus down with input from AAPS, the architect and owner.

Councilmember Daysog inquired whether the HAB reviewed the grading issue, to which the Planning and Building Director responded in the affirmative.

Councilmember deHaan restated that he seconded the motion.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, deHaan, Matarrese and Mayor Johnson - 4. Noes: Vice Mayor Gilmore - 1.

(06-445) Public Hearing to consider Adoption of Resolution Amending Master Fee Resolution No. 12191 to Revise and Streamline the Planning and Building, Public Works and Fire Departments Fee Schedules. **Continued.**

The City Manager suggested that the matter be continued for 30 days.

Councilmember Matarrese moved approval of continuing the matter for 30 days.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(06-446) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 13-2.2(e) (Modifications, Amendments and Deletions to the California Building Code) of Section 13-2 (Alameda Building Code) of Chapter XIII (Building and Housing), to Incorporate Specific Requirements for the Installation of Fire

Extinguishing Systems. **Continued to September 19, 2006.**

Councilmember deHaan moved approval of continuing to matter for two weeks.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(06-447) Public Hearing to consider ZA06-0001, Zoning Ordinance Text Amendment City-wide; and

(06-447A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 30-4.9A.g.8 (Off-Street Parking and Loading Space) of the C-C Community Commercial Zone of Chapter XXX (Development Regulations), to Add a Process for Parking Exceptions. **Continued to September 19, 2006.**

Councilmember Daysog moved approval of continuing the matter for two weeks.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(06-448) Michael Krueger, Alameda, stated the Santa Clara Avenue and Willow Avenue transit shelter and the Santa Clara Avenue and Walnut Street canopy need maintenance; graffiti is present at both transit shelters.

Councilmember deHaan stated vandalism increases if condoned; graffiti has not been brought down to a working level; efforts need to be made to clean up graffiti immediately.

(06-449) Jon Spangler, Alameda, thanked Mayor Johnson for sticking up for the historic preservation aspect of the Ninth Street property and Commissioner Matarrese for coming up with a solution on the Rutledge appeal.

#### COUNCIL COMMUNICATIONS

(06-450) Consideration of Mayor's nominations for the Economic Development Commission, Golf Commission, and Recreation and Park Commission.

Mayor Johnson nominated Jessica Lindsey and Alan J. Ryan for appointment to the Economic Development Commissioner, Betsy E. Gammell for appointment to the Golf Commission, and Jo Kahuanui for appointment to the Recreation and Park Commission.

(06-451) Councilmember deHaan stated the Tube lighting has been on the board for at least three years and CalTrans has deferred the project for two years; he would like the issue to be tracked; the project needs to move forward.

(06-452) Councilmember deHaan stated the Central Avenue [crosswalk] embedded lighting is not functioning; inquired when the Park Street embedded lighting would be done near Boniere Bakery.

(06-453) Councilmember deHaan stated that Park Street trash receptacles overflowed from the weekend; trash pick up should be brought under control within the City before the rainy season.

(06-454) Councilmember Matarrese stated repairs are being made on Lincoln Avenue and Park Street overhead wires; half of the weed-filled triangle near Tilden Way has been shaved away; inquired whether the other half could be shaved and landscaped.

The City Manager responded the issue would be addressed.

(06-455) Councilmember Matarrese inquired whether Long's Drug Store was supposed to do some landscape upgrades.

The City Manager stated she should look into the matter.

Councilmember Matarrese stated that he would like to see some landscaping on the corner across from City Hall.

(06-456) Mayor Johnson stated that large weeds have grown at the Otis Drive median off the Bay Farm Bridge.

The City Manager stated she would talk to the Public Works Director about the matter.

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 12:55 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -SEPTEMBER 5, 2006- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:00 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-426) Conference with Labor Negotiators; Agency negotiators: Craig Jory and Human Resources Director; Employee organizations: Alameda City Employees Association, International Brotherhood of Electrical Workers, Management and Confidential Employees Association, and Executive Management Group.

(06-427) Conference with Legal Counsel - Existing Litigation; Name of case: Zornes v. City of Alameda et al.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Conference with Labor Negotiators, Council received a briefing from Labor Negotiators on the status of negotiations with Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association and no action was taken; regarding Conference with Legal Counsel, Council received a briefing from Legal Counsel and gave direction on settlement of this matter.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:25 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY- -SEPTEMBER 5, 2006- -7:27 P.M.

Chair Johnson convened the Special Meeting at 7:50 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Gilmore, Matarrese, and Chair Johnson - 5.

Absent: None.

MINUTES

(06-050) Minutes of the Special Joint City Council and CIC Meeting held on July 26, 2006; the Special Joint City Council, ARRA, CIC and HABOC Meeting held on August 2, 2006; and the Special CIC Meeting held on August 24, 2006. Approved.

Commissioner Matarrese moved approval of the minutes.

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

(06-051) Recommendation to consider Appeal of Determination that applicants are not eligible to purchase a below market rate home at Bayport.

The Development Services Director provided a brief presentation.

Commissioner Matarrese inquired whether income is verified immediately when applications are submitted, to which the Development Services Manager responded income is verified at a later time.

The Development Services Director continued the presentation.

Commissioner Gilmore inquired how many income tax years are verified.

The Development Services Director responded that Alameda Development Corporation (ADC) did the preliminary background work; stated ADC received three years of income tax information prior to 2005; 2005 income tax information was not available; ADC received incomplete information because only pay stubs were received; income tax information was not received showing all income sources for the entire household; ADC found outside employment from the Peralta Community College District; only the primary employment source was

provided.

Commissioner Gilmore inquired whether the disputed overtime is from the primary job, to which the Development Services Director responded in the affirmative.

Commissioner Daysog stated that both the Rutledge and CIC figures show approximately \$2,900 for the Peralta College salary; inquired whether the \$2,900 is the actual dollar amount.

The Development Services Director responded in the negative; stated W-2's have not been received from the Peralta Community College District; \$2,900 is an estimate.

Commissioner Daysog inquired whether the \$2,900 estimate is for actual teaching time, to which the Development Services Director responded in the affirmative.

In response to Commissioner Daysog's inquiry regarding the income threshold for a family of four, the Housing Development Manager stated the income threshold is \$83,800.

Chair Johnson inquired whether other information was incomplete in the application package.

The Housing Development Manager responded ADC believed sufficient information was available to determine that the Rutledge's income was over the threshold; the Rutledge's only provided information regarding the addition of the fifth household member when the City inquired whether the Rutledge's wished to submit additional information; Peralta Community College District pay stubs, 2005 income tax returns, and W-2's would be requested if the determination process were starting now.

Commissioner Matarrese inquired why the Social Security Administration overtime communication occurred.

The Development Services Director responded the Rutledge's wanted to dispense with any overtime in order to qualify; stated the City requested a letter from the Social Security Administration stating that no overtime would occur; a strong letter was not received; the City determined that overtime could occur.

Commissioner deHaan inquired why an evaluation was not made for the first group of applicants, and whether applicants were aware that an evaluation would not be made initially.

The Development Services Director responded all applicants are

evaluated; ADC sends a letter stating what is needed from the applicants, such as W-2's checking account information, etc.

Commissioner deHaan inquired whether an applicant's status is checked and re-evaluated at the end of the process, to which the Development Services Director responded the bank would re-evaluate the status.

Commissioner deHaan inquired whether the entire process could take six months.

The Development Services Director responded in the affirmative; stated the process includes workshops.

Commissioner deHaan stated an applicant's status could change within six months; inquired whether applicants are informed that wages should include overtime.

The Development Services Director responded the application requests gross earnings; stated overtime is a calculation of gross earnings.

Chair Johnson opened the public portion of the meeting.

Proponents (In favor of appeal): M. Daniele Adams, Social Security Administration; Isha Brown, Alameda; Jesusita Rutledge, Appellant; Duane Rutledge, Appellant; Hannah Israel, Appellant's dependant; and Jon Spangler, Alameda.

Opponents (Not in favor of appeal): Belinda Racklin, Alameda Development Corporation.

There being no further speakers, Chair Johnson closed the public portion of the hearing.

Chair Johnson stated that she appreciates all speaker comments; the Rutledge's acted in good faith throughout the application process; rules need to be followed; rules become arbitrary without consistency; overtime rules are applied in court every day; the Rutledge's were given an opportunity to have the employer [Social Security Administration] provide information stating that overtime would not be allowed; said information was not received.

Commissioner Daysog concurred with Chair Johnson; stated the income methodology was fair; ADC's and City staff's job is to find information; the Rutledge's income exceeds the maximum threshold for a family of four; the City needs to be fair to other families going through the process; urged the Rutledge's to stick with the

City throughout the next building phases.

Commissioner Gilmore stated applicants are required to provide information on any status change, which includes a change in the family size; the Social Security Administration letter was not as clear as the testimony tonight; she would have no problem dismissing the \$4,000 in overtime if a person in authority provided a letter stating that no overtime would be allowed; the Peralta College income is more problematic; documentation would need to be provided from the College.

Commissioner deHaan stated past trends indicate that Mr. Rutledge would teach this year; the evaluation period is important to keep in mind; he is not happy with the prior procedure; the application clearly indicates what the income should include.

Commissioner Matarrese inquired whether qualification was based on the 2006 income.

The Development Services Director responded verification was to be provided to the ADC by December; twelve-month income was then projected.

Commissioner Matarrese inquired whether a twelve-month window was projected from the time of the application.

The Development Services Director responded in the negative; earnings are projected forward twelve months after the application is complete and an earning pattern is reviewed.

Commissioner Matarrese inquired whether January 2006 to December 2006 income was used for evaluation purposes.

The Development Services Director responded income was to cover March 2006 to March 2007.

Commissioner Matarrese stated income projection should be tighter since it is now September; an accurate income could be projected if the Social Security Administration certified that no overtime would occur and the Peralta Community College District certified that Mr. Rutledge is on sabbatical; figures could be reviewed to see if the income falls within the window.

Commissioner Daysog stated 300 affordable homes would be built at Alameda Point west of Main Street; the precedent should be to work with a process that is fair.

Commissioner Gilmore stated documented changes are important; a

paper trail is needed for the file.

Commissioner Daysog stated the Rutledge's had ample time to provide documentation.

Chair Johnson stated the Rutledge's could continue to find ways to change circumstances in order to qualify.

The Development Services Director stated the policy would need to be changed if applicants were allowed to change working status to become eligible.

Commissioner deHaan inquired whether another home selection would occur, to which the Development Services Director responded in the affirmative.

Commissioner deHaan inquired when validation would be initiated for the next draw.

The Development Services Director responded as soon as the placement is complete for the current homes.

Commissioner Matarrese inquired whether the application process allows applicants to provide evidence of a change in status during the evaluation period, to which the Development Services Director responded in the affirmative.

Commissioner Matarrese stated individuals have no control over furloughs and overtime cuts; the current process is valid and allows people to appeal; verification is missing from the Social Security Administration and Peralta Community College District.

Commissioner Gilmore stated the overtime calculation was used to disqualify the Rutledge's; now opportunities are not available to make half of the excess income.

Commissioner Daysog stated the Rutledge's would be eligible for the next housing program because the application would be different based upon adding a fifth person to the household.

Chair Johnson stated allowing individuals to continually change information on the application is unfair to other applicants; applicants could tailor information to meet the qualifications.

The Development Services Director stated the Rutledge's income was reviewed for a five-member family and the income was still slightly above the threshold.

Legal Counsel stated the overtime issue is relevant and the testimony is very good for the record; the past standard allowed a written letter from someone in authority stating there would be no overtime; an applicant taking a sabbatical has never been accepted in order to disallow income; she is not sure whether a sabbatical would resolve the issue.

Chair Johnson stated taking a sabbatical would be a voluntary act.

Commissioner Gilmore inquired whether the snapshot covers the period from March 2006 to March 2007, to which the Development Services Director responded the snapshot covers a projection moving forward to March 2007.

Commissioner Gilmore stated January 2006 through March 2006 was used to project the Peralta College income.

Chair Johnson clarified that January 2006 through March 2006 was used to project the Peralta College income from March 2006 to March 2007; inquired whether fall and winter Peralta College income was not assumed.

The Development Services Director responded in the affirmative; stated Mr. Rutledge would be obligated to advise the City if he were going to teach.

Commissioner Daysog stated Mr. Rutledge had every expectation to teach if enough students enrolled; reasonable assumptions were made from the best available information.

Commissioner Daysog moved approval of the staff recommendation.

Chair Johnson seconded the motion.

Under discussion, Commissioner deHaan inquired when the evaluation period for the next phase of houses would take place, to which the Development Services Director responded the evaluation is going on now.

Commissioner deHaan inquired whether the Rutledge's could be placed in the next evaluation process.

Chair Johnson responded other applicants have been disqualified and have not been put back into the process.

On the call for the question, THE MOTION FAILED by the following voice vote: Ayes: Commissioner Daysog and Chair Johnson - 2. Noes: Commissioners deHaan, Gilmore, and Matarrese - 3.

Commissioner Gilmore moved approval of allowing the Rutledge's to attempt to provide documentation regarding Social Security employment status and to have staff perform an evaluation based upon projected income from March 2006 to March 2007 to determine whether or not the Rutledge's fit into the income category for a five-person household.

Commissioner Matarrese inquired whether the Social Security Administration income would be frozen if there were no more overtime.

Commissioner Gilmore responded the income would be for overtime earned up until September 30, 2006; overtime would be zero from October 1 through March if the [Social Security Administration] letter were submitted.

Chair Johnson inquired what happens if a letter is not received, to which Commissioner Gilmore responded the Rutledge's would not qualify.

Commissioner deHaan requested a caveat be added to the motion requesting documentation on the added dependent; inquired whether the documentation is on record and validated.

The Housing Development Manager responded the dependent has been accepted.

Commissioner deHaan stated that he wants the dependent validated and the Social Security [letter regarding overtime] validated by the [Social Security] Finance Director.

Commissioner Gilmore suggested that the requirement be that the letter comes from someone in authority.

Mayor Johnson suggested that the language state "the appropriate person" and staff could get the information from said appropriate person.

Legal Counsel stated real information is being requested; Peralta College income needs to be counted for the fall and into 2007; staff does not have said information.

Chair Johnson requested that the motion include that the Rutledge's provide all necessary documentation to provide staff with actual information.

Commissioner deHaan requested a caveat be added into the motion

that all pay increases be projected also.

The Development Services Director requested a timeframe for the applicant to submit the information.

Chair Johnson stated three weeks is a generous amount of time.

Commissioner Matarrese seconded the motion.

The Executive Director requested clarification about the request for verification of the dependent; stated staff accepted the dependent as a family member.

Chair Johnson stated whatever is acceptable to the Internal Revenue Service.

The Development Services Director stated that the fifth member does not have to be a dependent and only has to be part of the family unit.

Commissioner Matarrese restated the motion is that the Rutledge's are required to provide a letter from the appropriate authority at the Social Security Office stating that there would be no overtime from October 1, 2006 through the end of March 2007; that all reportable income from Peralta College and any other source be factored in; and all documentation needs to be submitted by September 30, 2006.

Commissioner Gilmore stated Commissioner deHaan requested that motion include salary increases be projected forward if trainee status changes and there is an increase.

Commissioner deHaan requested that the motion be modified to require the Social Security Administration to provide its overtime policy and [overtime] percentage projection.

Chair Johnson stated there needs to be a statement that there is or is not [overtime] income.

Commissioner Matarrese stated the motion includes receiving a letter indicating that there would be no overtime.

The Executive Director clarified that the process was to resolve the appeal, not to set a precedent for future evaluations.

Commissioner Matarrese stated a process is not being established; information is being gathered to adjudicate the appeal.

Commissioner Daysog stated the Rutledge's were given ample time to make the best and strongest case possible and failed to do so; the CIC is opening a can of worms; other applicants could get letters from non-decision makers; encouraged Commissioners to reconsider and approve the staff recommendation.

Commissioner Gilmore stated the appeal would be denied if the Rutledge's do not provide documentation from a person in authority at the Social Security Administration.

On the call for the question, the motion carried by the following voice vote: Ayes: Commissioners deHaan, Gilmore, Matarrese, and Chair Johnson - 4. Noes: Commissioner Daysog - 1.

#### ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 10:29 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary

The agenda for this meeting was posted in accordance with the Brown Act.